



LIPSIUS-BENHAIM  
LAW, LLP

80-02 Kew Gardens Road  
Suite 1030  
Kew Gardens, New York 11415  
Telephone: 212-981-8440  
Facsimile: 888-442-0284  
www.lipsiuslaw.com

ALEXANDER J. SPERBER  
DIRECT LINE: 212-981-8449  
EMAIL: asperber@lipsiuslaw.com

October 27, 2023

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

**Re: Kitchen Winners NY Inc. v. Rock Fintek LLC,  
Case No. 22-cv-05276-PAE  
Our File No: 5529.0002**

Dear Judge Englemayer:

This firm represents plaintiff and counterclaim-defendant Kitchen Winners NY Inc., as well as third-party defendants Adorama Inc., and Joseph Mendlowitz (collectively “Defendants”). Defendants respectfully submit this supplemental letter in response to Rock Fintek LLC’s (“Rock Fintek”) request for an extension of the present discovery deadlines. (ECF No. 108.)

Defendants submit this supplemental letter on the basis of additional information learned this morning. As noted in the letter I submitted yesterday, Defendants offered multiple dates on which they are prepared to produce Mr. Weiner for his deposition. More specifically, I twice wrote to counsel for Rock Fintek identifying November 2, 2023 as a date upon which Mr. Weiner was available to appear for his deposition. On October 19, 2023, I suggested scheduling Mr. Weiner to appear for his deposition on November 2, 2023. (*See Exhibit A, attached hereto.*) On October 24, 2023, I wrote that Mr. Weiner was available the entire week of October 30 (encompassing November 2). (*See Exhibit B, attached hereto.*) Rock Fintek refused to schedule Mr. Weiner’s deposition for that date because its counsel would be engaged in trial preparations in an unrelated matter.

On the basis of Rock Fintek’s scheduling preferences, it seeks an additional extension to the end of fact discovery and to compel Mr. Weiner, who is available for much of the three weeks remaining until the currently discovery schedule, to appear on the two specific dates that fit counsel for Rock Fintek’s schedule.

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Yet just this morning, two days after writing to the Court explaining why Rock Fintek was unavailable on November 2, 2023, Lauren Riddle – one of the attorneys representing Rock Fintek in this action – offered November 2, 2023 as a date upon which Rock Fintek is prepared to depose non-party Bezalel Gombo. (*See* Exhibit C, attached hereto.)

Not to belabor the obvious, but Rock Fintek’s assertion that “the professional commitments of Rock Fintek’s counsel between now and November 16” prevent it from taking Mr. Weiner’s deposition within the existing discovery deadlines appears to be either inaccurate or no longer applicable because of a change in circumstances. Even if Mr. Rakhunov is unavailable, it appears that Ms. Riddle is free to depose Mr. Weiner on at least one of the dates that he is available.

Accordingly, it is respectfully submitted that the Court deny Rock Fintek’s request for an extension to the end of fact discovery.

We thank the Court for its continued attention to this action.

Respectfully,

**LIPSIOUS-BENHAIM LAW, LLP**

A handwritten signature in dark ink, appearing to read 'Alex Sperber', with a stylized flourish at the end.

Alexander J. Sperber, Esq.